

ORDINANCE NO. 14,756

AN ORDINANCE vacating portions of the 13th Street right-of-way between Grand Avenue and relocated High Street, portions of the High Street right-of-way between 11th Street and 12th Street, and all the alley rights-of-way within the area bounded by Grand Avenue, 11th Street, 14th Street and relocated High Street; and portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and, portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, the vacation of the public rights-of-way described below, the realignment of a portion of High Street between 10th Street and 14th Street, and the redevelopment of the three block area bounded by High Street, Grand Avenue, 11th Street and 13th Street as the new corporate headquarters for Wellmark, Inc., have been undertaken by the City of Des Moines in the exercise of its urban renewal powers under Iowa Code Chapter 403; and,

WHEREAS, it is desirable that the public right-of-way herein described be vacated without reservation of easements for existing utility facilities; and,

WHEREAS, by Ordinance No. 14, 724, passed November 19, 2007, all of the rights-of-way described below, exclusive of the air rights and subsurface rights, were vacated; and,

WHEREAS, this ordinance is not intended to repeal any portion of Ordinance No. 14,724, but is instead intended to expand upon that ordinance and remove any ambiguity regarding the legal description of portions of the rights-of-way vacated by that ordinance and now proposed to be conveyed for redevelopment; NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the vacation of portions of the 13th Street right-of-way between Grand Avenue and relocated High Street, of the High Street right-of-way between 11th Street and 12th Street, and of the alley rights-of-way within the area bounded by Grand Avenue, 11th Street, 14th Street and relocated High Street; and of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and, of portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments, more specifically described as follows, be and is hereby approved:

Parcels "A" through "F" more specifically described as follows:

PARCEL "A":

THAT PART OF HIGH STREET RIGHT-OF-WAY LYING BETWEEN 11TH STREET AND 12TH STREET, AND A PART OF LOTS 28, 29 AND 31 IN THE OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF LOT 6 AND ALL OF LOT 7 ROSE'S ADDITION, BEING AN OFFICIAL PLAT AND A PART OF LOTS 1, 2, 3, AND 4 OF WILLIAMS AND SLY'S SUBDIVISION, BEING AN OFFICIAL PLAT AND A PART OF LOT 2 OF SMITH'S ADDITION TO FORT DES MOINES, BEING AN OFFICIAL PLAT, ALL IN SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 58 IN CAMPBELL AND McMULLEN'S ADDITION TO FORT DES MOINES, BEING AN OFFICIAL PLAT; THENCE NORTH 15° (DEGREES) 03' (MINUTES) 34" (SECONDS) WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 12TH STREET, 235.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°03'34" WEST ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID EAST RIGHT-OF-WAY LINE EXTENDED NORTHERLY, 47.14 FEET; THENCE NORTH 34°03'39" EAST, 13.09 FEET; THENCE NORTH 83°10'52" EAST, 273.07 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF 11TH STREET RIGHT-OF-WAY; THENCE SOUTH 15°27'41" EAST ALONG SAID WEST RIGHT-OF-WAY LINE EXTENDED NORTHERLY, 51.65 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGH STREET AS IT CURRENTLY EXISTS; THENCE SOUTH 74°14'22" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 140.84 FEET; THENCE NORTH 83°36'15" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 103.09 FEET; THENCE SOUTH 73°45'42" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 43.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.39 ACRES (17,037 S.F.).

PARCEL "B":

ALL OF AN EXISTING ALLEY BEING EAST OF 12TH STREET, WEST OF 11TH STREET, SOUTH OF HIGH STREET AND NORTH OF GRAND AVENUE AND A PART OF LOTS 2 AND 3 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES ALL IN SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 5 OF SAID BLOCK 58; THENCE NORTH 15° (DEGREES) 03' (MINUTES) 34" (SECONDS) WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 12TH STREET, 123.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°03'34" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 10.00 FEET TO THE SOUTHWEST CORNER OF LOT 4, WILLIAMS AND SLY'S SUBDIVISION, BEING AN OFFICIAL PLAT; THENCE NORTH 74°08'20" EAST ALONG THE SOUTH LINE OF SAID WILLIAMS AND SLY'S

SUBDIVISION, 87.50 FEET; THENCE SOUTH 86°50'01" EAST CONTINUING ALONG SAID SOUTH LINE, 6.13 FEET; THENCE NORTH 74°08'20" EAST CONTINUING ALONG SAID SOUTH LINE AND ALONG THE NORTH LINE OF SAID LOTS 2 AND 3 OF BLOCK 58, A DISTANCE OF 187.66 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 11TH STREET; THENCE SOUTH 15°27'41" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 74°08' 20" WEST, 132.46 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3 OF BLOCK 58; THENCE SOUTH 15°19'10" EAST ALONG SAID WEST LINE, 108.21 FEET; THENCE SOUTH 74°10'40" WEST, 16.50 FEET TO A POINT ON THE EAST LINE OF LOT 4 OF SAID BLOCK 58; THENCE NORTH 15°19' 10" WEST ALONG SAID EAST LINE, 110.20 FEET; THENCE SOUTH 74°08'20" WEST, 43.90 FEET; THENCE NORTH 15°08'46" WEST, 2.00 FEET; THENCE SOUTH 74°08'20" WEST, 88.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.11 ACRES (4,898 S.F.).

PARCEL "C":

ALL OF AN EXISTING ALLEY LYING EAST OF 13TH STREET IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 39 OF SAID FOURTEENTH STREET PLACE; THENCE SOUTH 15° (DEGREES) 12' (MINUTES) 18" (SECONDS) EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 13TH STREET, 151.15 FEET TO THE POINT OF BEGINNING; THENCE NORTH 81°06'51" EAST ALONG THE SOUTH LINE OF LOTS 40 AND 41 OF SAID FOURTEENTH STREET PLACE, 126.59 FEET TO A POINT ON THE WEST LINE OF LOT 42 OF SAID FOURTEENTH STREET PLACE; THENCE SOUTH 0°25'00" EAST ALONG SAID WEST LINE OF SAID LOT 42, A DISTANCE OF 8.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 42; THENCE NORTH 81°08'48" EAST ALONG THE SOUTH LINE OF SAID LOT 42, A DISTANCE OF 25.25 FEET TO THE NORTHWEST CORNER OF LOT 44 OF SAID FOURTEENTH STREET PLACE; THENCE SOUTH 15°12'18" EAST ALONG THE WEST LINE OF SAID LOT 44 AND ALONG THE WEST LINE OF LOT 48 OF SAID FOURTEENTH STREET PLACE, 182.30 FEET; THENCE SOUTH 74°07'17" WEST, 5.62 FEET; THENCE SOUTH 15°57'02" EAST, 1.98 FEET; THENCE SOUTH 74°02'58" WEST, 10.90 FEET TO A POINT ON THE EAST LINE OF LOT 47 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 15°12'18" WEST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF LOT 45 OF SAID FOURTEENTH STREET PLACE, 177.23 FEET TO THE NORTHEAST CORNER OF SAID LOT 45; THENCE SOUTH 79°12'11" WEST ALONG THE NORTH LINE OF SAID LOT 45, A DISTANCE OF 132.76 FEET TO THE NORTHWEST CORNER OF SAID LOT 45; THENCE NORTH 15°12'18" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, 21.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES (5,538 S.F.).

PARCEL "D":

A PART OF 13TH STREET RIGHT-OF-WAY IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF LOT 39 OF SAID FOURTEENTH STREET PLACE; THENCE SOUTH 15° (DEGREES) 12' (MINUTES) 18" (SECONDS) EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 13TH STREET 23.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°12'18" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 336.49 FEET; THENCE SOUTH 74°07'17" WEST, 66.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 13TH STREET; THENCE NORTH 15°12'18" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 347.00 FEET; THENCE NORTH 83°10'52" EAST, 66.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.52 ACRES (22,555 S.F.).

PARCEL "E":

ALL OF AN EXISTING ALLEY LYING EAST OF 14TH STREET, WEST OF 13TH STREET AND NORTH OF GRAND AVENUE IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 38 OF SAID FOURTEENTH STREET PLACE: THENCE SOUTH 15° (DEGREES) 12' (MINUTES) 18" (SECONDS) EAST, 138.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 38 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°12'18" EAST 16.61 FEET TO THE NORTHEAST CORNER OF LOT 4 IN CASCADE PLACE, BEING AN OFFICIAL PLAT; THENCE NORTH 89°38'38" WEST ALONG THE NORTH LINE OF SAID CASCADE PLACE, 137.66 FEET TO THE NORTHWEST CORNER OF LOT 6 OF SAID CASCADE PLACE; THENCE SOUTH 15°12'18" EAST ALONG THE WEST LINE OF SAID CASCADE PLACE, 264.30 FEET; THENCE SOUTH 74°02'58" WEST, 11.65 FEET; THENCE NORTH 15°58'22" WEST, 2.00 FEET; THENCE SOUTH 74°02'58" WEST, 4.83 FEET TO A POINT ON THE EAST LINE OF LOT 31 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 15°12'18" WEST ALONG THE EAST LINE OF SAID LOT 31 AND ALONG THE EAST LINE OF LOTS 32, 33 AND 34 OF SAID FOURTEENTH STREET PLACE, 267.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 34; THENCE NORTH 89°38'38" WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 113.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 34; THENCE NORTH 0°05'30" WEST, 16.00 FEET TO THE SOUTHWEST CORNER OF LOT 35 OF SAID FOURTEENTH STREET PLACE; THENCE SOUTH 89°38'38" EAST ALONG THE SOUTH LINE OF SAID LOT 35 AND ALONG THE SOUTH LINE OF LOTS 36, 37 AND 38 OF SAID FOURTEENTH STREET PLACE, 264.09 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.20 ACRES (8,651 S.F.).

PARCEL "F":

A PART OF HIGH STREET RIGHT-OF-WAY LYING ADJACENT TO LOTS 42 AND 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 43; THENCE NORTH 89°(DEGREES) 40' (MINUTES) 24" (SECONDS) WEST ALONG THENCE NORTH LINE OF SAID LOT 43, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°40'24" WEST ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF SAID LOT 42, A DISTANCE OF 42.95 FEET; THENCE NORTH 83°10'52" EAST, 43.28 FEET; THENCE SOUTH 0°19'36" WEST, 5.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 116 SQUARE FEET.

AND vacation of the subsurface rights below grade upon Areas 1 through 8, described below:

AREA 1:

A PART OF LOTS 2 AND 3 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 149.10 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 132.73 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE SOUTH 15°27'41" EAST ALONG SAID EAST LINE, 4.00 FEET; THENCE SOUTH 74°10'40" WEST, 82.66 FEET; THENCE SOUTH 15°16'20" EAST, 1.00 FEET; THENCE SOUTH 74°10'40" WEST, 50.07 FEET TO POINT ON THE WEST LINE OF SAID LOT 3; THENCE NORTH 15°19'10" WEST ALONG SAID WEST LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 581 S.F.

AREA 2:

A PART OF LOTS 4 AND 5 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE AND ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 271.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°10'40" EAST, 132.60 FEET TO A POINT ON THE EAST LINE OF SAID LOT 4; THENCE SOUTH 15°19'10" EAST ALONG SAID EAST LINE, 5.00 FEET; THENCE SOUTH 74°23'42" WEST, 132.63 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5; THENCE NORTH 15°03'34" WEST ALONG SAID WEST LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 663 SQUARE FEET.

AREA 3:

A PART OF LOTS 48 AND 49 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 15° (DEGREES) 12' (MINUTES) 18" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 46, A DISTANCE OF 4.00 FEET; THENCE NORTH 74°07'17" EAST, 148.88 FEET TO A POINT ON THE WEST LINE OF SAID LOT 48 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST, 109.62 FEET; THENCE SOUTH 15°57'07" EAST, 4.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 49; THENCE SOUTH 74°07'17" WEST ALONG SAID SOUTH LINE OF LOT 49 AND THE SOUTH LINE OF SAID LOT 48, A DISTANCE OF 109.68 FEET TO A POINT ON SAID WEST LINE OF SAID LOT 48; THENCE NORTH 15°12'18" WEST ALONG SAID WEST LINE, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 439 S.F.

AREA 4:

A PART OF LOT 47 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOTS 46 AND 47, A DISTANCE OF 108.31 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°52'43" WEST, 4.00 FEET; THENCE NORTH 74°07'17" EAST, 2.00 FEET; THENCE SOUTH 15°52'43" EAST, 2.02 FEET; THENCE NORTH 74°02'58" EAST, 22.09 FEET TO A POINT ON THE EAST LINE OF SAID LOT 47; THENCE SOUTH 15°12'18" EAST ALONG SAID EAST LINE, 2.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT 47; THENCE SOUTH 74°07'17" WEST ALONG THE SOUTH LINE OF SAID LOT 47, A DISTANCE OF 24.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 S.F.

AREA 5:

A PART OF LOT 3 IN CASCADE PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE, 207.92 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3 AND TO THE POINT OF BEGINNING; THENCE NORTH 15°12'18" WEST ALONG SAID WEST LINE, 1.59 FEET; THENCE NORTH 74°02'58" EAST, 21.35 FEET; THENCE NORTH 15°48'02" WEST, 2.38 FEET; THENCE NORTH 74°07'17" EAST, 1.97 FEET; THENCE SOUTH 15°48'02" EAST, 4.00 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 74°07'17" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 23.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 42 S.F.

AREA 6:

A PART OF LOTS 28, 30 AND 31 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH 0° (DEGREES) 05' (MINUTES) 30" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 28, A DISTANCE OF 4.16 FEET; THENCE NORTH 74°07'17" EAST, 24.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST, 5.33 FEET; THENCE SOUTH 00°00'01" EAST, 0.65 FEET; THENCE NORTH 74°02'58" EAST, 160.35 FEET TO A POINT ON THE EAST LINE OF SAID LOT 31; THENCE SOUTH 15°12'18" EAST ALONG SAID EAST LINE, 3.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31; THENCE SOUTH 74°07'17" WEST ALONG THE SOUTH LINE OF SAID LOTS 31, 30 AND 28, A DISTANCE OF 165.47 FEET; THENCE NORTH 15°52'43" WEST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 577 S.F.

AREA 7:

A PART OF LOTS 35, 36 AND 37 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 89° (DEGREES) 40' (MINUTES) 24" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOTS 43 AND 42 OF SAID FOURTEENTH STREET PLACE, A DISTANCE OF 107.95 FEET; THENCE SOUTH 83°10'52" WEST, 352.35 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 83°10'52" WEST, 37.89 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 510.00 FEET, WHOSE ARC LENGTH IS 68.49 FEET AND WHOSE CHORD BEARS SOUTH 79°20'03" WEST, 68.43 FEET; THENCE NORTH 61°45'00" EAST, 19.68 FEET; THENCE NORTH 84°52'30" EAST, 87.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 S.F.

AREA 8:

A PART OF LOTS 40, 41 AND 42 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 89° (DEGREES) 40' (MINUTES) 24" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOTS 43 AND 42, A DISTANCE OF 107.95 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 83°10'52" WEST, 87.26 FEET; THENCE NORTH 6°49'08" WEST, 3.50 FEET; THENCE NORTH 83°10'52" EAST, 59.34 FEET TO A POINT ON SAID NORTH LINE OF LOT 41; THENCE SOUTH 89°40'24" EAST ALONG SAID NORTH LINE OF LOTS 41 AND 42, A DISTANCE OF 28.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 257 SQUARE FEET.

AND vacation of the air rights within Areas 9 through 14, described below:

AREA 9:

ALL OF THE AIR SPACE FOR A PART OF LOT 49 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 49 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 15° (DEGREES) 03' (MINUTES) 34" (SECONDS) WEST ALONG THE EAST LINE OF SAID LOT 49, A DISTANCE OF 50.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°02'55" WEST, 4.00 FEET; THENCE NORTH 15°03'34" WEST, 19.00 FEET; THENCE NORTH 74° 02' 55" EAST, 4.00 FEET TO A POINT ON SAID EAST LINE; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST LINE 19.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 76 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 80.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 61.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 45.00 FEET CITY DATUM.)

AREA 10:

ALL OF THE AIR SPACE FOR A PART OF LOTS 30 AND 31 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 0° (DEGREES) 05' (MINUTES) 30" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 28, A DISTANCE OF 4.16 FEET; THENCE NORTH 74°07'17" EAST, 30.16 FEET; THENCE SOUTH 0°00'01" EAST, 0.65 FEET; THENCE NORTH 74°02'58" EAST, 87.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°02'58" EAST, 27.33 FEET; THENCE SOUTH 15°57'04" EAST, 3.51 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 31; THENCE SOUTH 74°07'17" WEST ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOT 30, A DISTANCE OF 27.33 FEET; THENCE NORTH 15°57'04" WEST, 3.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 96 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 122.33 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 116.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 47.00 FEET CITY DATUM.)

AREA 11:

ALL OF THE AIR SPACE FOR A PART OF LOTS 28, 30 AND 31 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 43.29 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°52'43" WEST, 3.39 FEET; THENCE NORTH 74°02'58" EAST,

132.00 FEET; THENCE SOUTH 15°52'43" EAST, 3.55 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 31; THENCE SOUTH 74°07'17" WEST ALONG SAID SOUTH LINE ALONG THE SOUTH LINE OF SAID LOT 30 AND LOT 28, A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 458 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 127.96 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 68.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 47.00 FEET CITY DATUM.)

AREA 12:

ALL OF THE AIR SPACE FOR A PART OF LOTS 48 AND 49 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID FOURTEENTH STREET PLACE, 164.31 FEET; THENCE NORTH 15°52'43" WEST, 1.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°52'43" WEST, 3.00 FEET; THENCE NORTH 74°07'17" EAST, 87.00 FEET; THENCE SOUTH 15°52'43" EAST, 3.00 FEET; THENCE SOUTH 74°07'17" WEST, 87.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 261 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 127.96 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 68.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 45.00 FEET CITY DATUM.)

AREA 13:

A PART OF LOTS 4 AND 5 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 18.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 113.64 FEET TO A POINT ON THE EAST LINE OF SAID LOT 4; THENCE SOUTH 15°19'10" EAST ALONG SAID EAST LINE, 3.00 FEET; THENCE SOUTH 74°10'40" WEST, 113.61 FEET; THENCE NORTH 15°49'20" WEST, 3.00 FEET TO THE POINT OF BEGINNING AND CONTAINING

341 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 112.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 58.35 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 44.00 FEET CITY DATUM.)

AREA 14:

A PART OF LOTS 2 AND 3 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 149.10 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 118.11 FEET; THENCE SOUTH 15°49'20" EAST, 3.00 FEET; THENCE SOUTH 74°10'40" WEST, 118.14 FEET TO A POINT ON SAID WEST LINE; THENCE NORTH 15°19'10" WEST ALONG SAID WEST LINE, 3.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 354 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 112.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 58.35 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 44.00 FEET CITY DATUM.)

AND vacation of the air rights within Areas A3, A4 and A5, described below:

Parcel A3:

A PART OF THE NORTH TO SOUTH ALLEY ADJACENT TO LOTS 3 AND 4 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 132.60 FEET TO A POINT ON THE WEST LINE OF SAID ALLEY AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 16.50 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE SOUTH 15°19'10" EAST ALONG SAID EAST LINE, 3.00 FEET; THENCE SOUTH 74°10'40" WEST, 16.50 FEET TO A POINT ON SAID WEST LINE; THENCE NORTH 15°19'10" WEST ALONG SAID WEST LINE, 3.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 50 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 112.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 58.35 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 44.00 FEET CITY DATUM.)

Parcel A4:

ALL OF THE AIR SPACE FOR THAT PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO LOTS 30 AND 31 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOTS 28 AND 30, A DISTANCE OF 118.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST ALONG SAID SOUTH LINE OF LOT 30 AND ALONG THE SOUTH LINE OF SAID LOT 31, A DISTANCE OF 27.33 FEET; THENCE SOUTH 15°57'04" EAST, 2.66 FEET; THENCE SOUTH 74°02'56" WEST, 27.33 FEET; THENCE NORTH 15°57'04" WEST, 2.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 73 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 122.33 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 116.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 47.00 FEET CITY DATUM.)

Parcel A5:

ALL OF THE AIR SPACE FOR A PART OF 12TH STREET RIGHT-OF-WAY ADJACENT TO LOT 5 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, AND ADJACENT TO LOT 49 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 205.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 19.00 FEET; THENCE SOUTH 74°02'55" WEST, 66.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 12TH STREET; THENCE NORTH 15°03'34" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 19.00 FEET; THENCE NORTH 74°02'55" EAST, 66.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,254 SQUARE FEET WHICH IS BELOW A PLANE ELEVATION OF 80.25 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 61.16 FEET CITY DATUM. (ASSUMED GROUND LEVEL ELEVATION (0.00') BEING 45.00 FEET CITY DATUM.)

AND vacation of the subsurface rights below grade upon Areas A6-1 through A6-8, described below:

AREA A6-1:

A PART OF LOTS 28 AND 29 IN THE OFFICIAL PLAT OF THE SW 1/4 OF LOT 6 AND ALL OF LOT 7 ROSE'S ADDITION, AN OFFICIAL PLAT, AND A PART OF 11TH STREET RIGHT-OF-WAY AND A PART OF HIGH STREET RIGHT-OF-WAY ALL IN

THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE NORTH 34°03'39" EAST, 13.09 FEET; THENCE NORTH 83°10'52" EAST, 195.85 FEET TO THE POINT OF BEGINNING; THENCE NORTH 6°49'08" WEST, 6.20 FEET; THENCE NORTH 83°10'52" EAST, 80.63 FEET; THENCE SOUTH 15°27'41" EAST, 69.04 FEET; THENCE SOUTH 74°32'19" WEST, 4.30 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 11TH STREET; THENCE NORTH 15°27'41" WEST ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE EXTENDED NORTHERLY, 63.43 FEET; THENCE SOUTH 83°10'52" WEST, 77.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 303 SQUARE FEET.

AREA A6-2:

A PART OF 11TH STREET RIGHT-OF-WAY IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE NORTH 34°03'39" EAST, 13.09 FEET; THENCE NORTH 83°10'52" EAST, 273.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 11TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°27'41" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 102.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°32'19" EAST, 4.80 FEET; THENCE SOUTH 15°27'41" EAST, 20.50 FEET; THENCE SOUTH 74°32'19" WEST, 4.80 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 15°27'41" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 20.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 98 SQUARE FEET.

AREA A6-3:

A PART OF 11TH STREET RIGHT-OF-WAY LYING ADJACENT TO LOT 2 IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE NORTH 34°03'39" EAST, 13.09 FEET;

THENCE NORTH 83°10'52" EAST, 273.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 11TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°27'41" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 165.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74°32'19" EAST, 4.00 FEET; THENCE SOUTH 15°27'41" EAST, 75.64 FEET; THENCE SOUTH 74°32'21" WEST, 4.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE NORTH 15°27'41" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 75.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 303 SQUARE FEET.

AREA A6-4:

A PART OF THE NORTH TO SOUTH ALLEY IN BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 271.17 FEET; THENCE NORTH 74°10'40" EAST, 132.60 FEET TO A POINT ON THE WEST LINE OF SAID ALLEY AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°10'40" EAST, 16.50 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE SOUTH 15°19'10" EAST ALONG SAID EAST LINE, 5.00 FEET; THENCE SOUTH 74°10'40" WEST, 16.50 FEET TO A POINT ON SAID WEST LINE OF ALLEY; THENCE NORTH 15°19'10" WEST ALONG SAID WEST LINE, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 83 SQUARE FEET.

AREA A6-5:

A PART OF 12TH STREET RIGHT-OF-WAY LYING ADJACENT TO LOT 4 IN WILLIAMS AND SLY'S SUBDIVISION, AN OFFICIAL PLAT, AND LYING ADJACENT TO LOT 5, BLOCK 58, CAMPBELL & McMULLEN'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, BEING AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 80° (DEGREES) 07' (MINUTES) 38" (SECONDS) EAST, 66.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 12TH STREET EXTENDED NORTHERLY; THENCE SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 29.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 15°03'34" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 246.58 FEET; THENCE SOUTH 74°10'40" WEST, 1.00 FEET; THENCE NORTH 15°45'24" WEST, 246.61 FEET; THENCE NORTH 74°56'26" EAST, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 616 SQUARE FEET.

AREA A6-6:

A PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO LOTS 47, 48 AND 49 AND A PART OF THE NORTH TO SOUTH ALLEY LYING ADJACENT TO LOTS 47 AND 48 ALL IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 46 IN SAID FOURTEENTH STREET PLACE; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE, 108.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 24.07 FEET TO THE SOUTHEAST CORNER OF SAID LOT 47; THENCE NORTH 15°12'18" WEST ALONG THE EAST LINE OF SAID LOT 47, A DISTANCE OF 2.01 FEET; THENCE NORTH 74°02'58" EAST, 10.90 FEET; THENCE NORTH 15°57'02" WEST, 1.98 FEET; THENCE NORTH 74°07'17" EAST, 5.62 FEET TO A POINT ON THE WEST LINE OF SAID LOT 48; THENCE SOUTH 15°12'18" EAST ALONG SAID WEST LINE, 4.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 48 AND A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 119.43; THENCE SOUTH 15°52'43" EAST, 2.30 FEET; THENCE SOUTH 74°07'17" WEST, 160.00 FEET; THENCE NORTH 15°52'43" WEST, 2.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 412 S.F.

AREA A6-7:

A PART OF GRAND AVENUE RIGHT-OF-WAY LYING ADJACENT TO LOTS 28, 30 AND 31 AND A PART OF THE NORTH TO SOUTH ALLEY ALL IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, AND A PART OF LOT 3 IN CASCADE PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 28; THENCE NORTH 74° (DEGREES) 07' (MINUTES) 17" (SECONDS) EAST ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 25.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°07'17" EAST ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOTS 30 AND 31, A DISTANCE OF 165.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT 31; THENCE NORTH 15°12'18" WEST ALONG THE EAST LINE OF SAID LOT 31, A DISTANCE OF 3.57 FEET; THENCE NORTH 74°02'58" EAST, 4.83 FEET; THENCE SOUTH 15°58'22" EAST, 2.00 FEET; THENCE NORTH 74°02'58" EAST, 11.65 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE SOUTH 15°12'18" EAST ALONG SAID WEST LINE, 1.59 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND AVENUE; THENCE NORTH 74°07'17" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 23.34 FEET; THENCE SOUTH 15°52'43" EAST, 2.70 FEET; THENCE SOUTH 74°07'17" WEST, 205.31 FEET; THENCE NORTH 15°52'43" WEST, 2.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 590 SQUARE FEET.

AREA A6-8:

A PART OF HIGH STREET RIGHT-OF-WAY IN THE SOUTHWEST 1/4 OF SECTION 4 TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 43 IN FOURTEENTH STREET PLACE, AN OFFICIAL PLAT, IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89° (DEGREES) 40' (MINUTES) 24" (SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 43, A DISTANCE OF 67.79 FEET; THENCE NORTH 6°49'08" WEST, 4.99 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 83°10'52" WEST, 39.84 FEET TO A POINT ON THE NORTH LINE OF LOT 42 OF SAID FOURTEENTH STREET PLACE; THENCE NORTH 89°40'24" WEST ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF LOT 41 OF SAID FOURTEENTH STREET PLACE, 28.14 FEET; THENCE NORTH 83°10'52" EAST, 67.76 FEET; THENCE SOUTH 6°49'08" EAST, 3.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 188 SQUARE FEET.

Sec. 2. All public utilities with facilities within the vacated rights-of-way described above, exclusive of the air rights and subsurface rights, were ordered to remove such facilities from such vacated rights-of-way by February 17, 2008, or any extension thereof granted by the City Engineer for good cause shown. That order is hereby ratified and reaffirmed. All public utilities with facilities within the vacated air rights and subsurface rights described above are hereby ordered to remove such facilities from such vacated air rights and subsurface rights within 90 days or any extension thereof granted by the City Engineer for good cause shown. The City Engineer is hereby directed to give prompt notice of this action to all public utilities with facilities within such vacated air rights and subsurface rights.

Sec. 3. That the City Clerk is hereby authorized and directed to cause a certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 08-717), passed by the City Council of said City at a meeting held April 21, 2008 signed by the Mayor on April 21, 2008 and published as provided by law in the Business Record on May 5, 2008. Authorized by Publication Order No.6074.

Diane Rauh, City Clerk